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ZINUS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZINUS, INC., a California corporation,

Plaintiff,
v.

SIMMONS BEDDING COMPANY, a
Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 07-CV-03012 PVT

**[PROPOSED]
ORDER DENYING DEFENDANT
SIMMONS' MOTION TO DISMISS**

Date: October 9, 2007
Time: 10:00 a.m.
Location: Courtroom 5
Judge: Hon. Patricia V. Trumbull

On October 9, 2007, defendant Simmons Bedding Company's ("Simmons") Motion to Dismiss was heard in this Court before the Honorable Magistrate Judge Patricia V. Trumbull. The Court, having read and considered all moving, opposition and reply papers and supporting documents filed herein, and having heard the arguments of counsel, hereby orders that defendant Simmons' Motion To Dismiss is DENIED.

IT IS SO ORDERED.

Dated: _____

The Honorable Patricia V. Trumbull
United States Magistrate Judge